



The Punjab Home Guards Act, 1947

Act 8 of 1947

Keyword(s):

Home Guards, Public Safety, Security of Property

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**THE PUNJAB HOME GUARDS
ACT, 1947**

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¹THE PUNJAB HOME GUARDS
²[****] ACT, 1947

EAST PUNJAB ACT NO. 8 OF 1947

[Received the assent of His Excellency the Governor of East Punjab on the 4th December, 1947, and was first published in the East Punjab Government Gazette (Extraordinary) of the 8th December, 1947.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1947	8	The Punjab Home Guards Act, 1947	Amended in part by East Punjab Act 31 of 1949 ³ Amended in part the Adaptation of Laws Order, 1950 Extended to Pepsu Territory by Punjab Act 18 of 1958 ⁴ . Amended by Punjab Act 42 of 1960 ⁵ .

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1947, page 50 ; for proceedings in the Assembly, see the *East Punjab Legislative Assembly Debates*, Volume I, 1947, pages 178-79 and 195—200.

²The word "National" in the short title omitted by East Punjab Act, 31 of 1949, section 2.

³For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1949, page 1098 ; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1949, Volume IV, pages (6) 28-(6) 29.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary) 1958, page 546K.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1960, page 1958.

**An Act to provide for the constitution of
¹[Punjab Home Guards]**

It is hereby enacted as follows :—

Short title, extent
and commence-
ment.

1. (1) This Act may be called the ¹[Punjab Home Guards] Act, 1947.

(2) It extends to the whole of the ²[State] of ³[Punjab].

(3) It shall come into force at once.

Constitution of
⁴[Punjab
Guards.] ⁶[Home
Guards.]

2. The ⁴[State] Government may for any area constitute a body to be called the ⁵[Punjab] ⁶[Home Guards] the members of which shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

Appointment of
members.

3. The ⁴[State] Government may appoint as members of the ⁵[Punjab] ⁶[Home Guards] so many persons who are fit and willing to serve as such, as the ⁵[State] Government may see fit to appoint and may appoint any such member to any office of command in the ⁵[Punjab] ⁶[Home Guards].

Calling out
members.

4. The ⁴[State] Government in any area may at any time call out a member of the ⁵[Punjab] ⁶[Home Guards] for training or to discharge any of the functions assigned

¹Substituted for the words "East Punjab Volunteer Corps" by Punjab Act 42 of 1960, section 2.

²Substituted for the words "Province" by the Adaptation of Laws Order, 1950.

³Substituted for the words "East Punjab" by the Adaptation of Laws Order, 1950.

⁴Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵Substituted for the words "East Punjab" by the Adaptation of Laws Order, 1950, the words "East Punjab" have been substituted for the word "National" by the East Punjab Act 31 of 1949, section 4.

⁶Substituted for the words "Volunteer Corps" by Punjab Act 42 of 1960, section 2.

to the ¹[Punjab] ²[Home Guards] in accordance with the provisions of this Act and the rules made thereunder.

5. (1) A member of the ¹[Punjab] ²[Home Guards] when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any law for the time being in force. Powers, protection and control.

(2) No prosecution shall be instituted against a member of the ¹[Punjab] ²[Home Guards] in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the ³[State] Government.

6. The members of the ¹[Punjab] ²[Home Guards] when called out under section 4 directly in aid of the police force, shall be under the control of the officers of such force, in such manner and to such extent as may be prescribed by rules made under section 8. Control by officers of police force.

7. ⁴[(1)] If any member of a ¹[Punjab] ²[Home Guards] on being called out under section 4, without sufficient excuse neglects or refuses to obey such order, or to discharge his functions as a member of the ¹[Punjab] ²[Home Guards], or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent Court, be punishable with ⁵[simple imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both. Penalty.

(2) An offence under this Act shall be cognizable].

8. The ³[State] Government may by notification and subject to any conditions which may be specified delegate its functions under sections 2, 3 or 4 to any person or body of persons. Delegation of Powers.

9. The ³[State] Government may make ⁶ rules consistent with this Act— Rules.

(a) providing for the exercise of control by officers of the police force over members of the ¹[Punjab] ²[Home Guards] when acting directly in aid of the police force ;

¹Substituted for the words "East Punjab" by the Adaptation of Laws Order, 1950. The words "East Punjab" had been substituted for the word "National" by the East Punjab Act 31 of 1949, section 4.

²Substituted for the words "Volunteer Corps" by Punjab Act 42 of 1960 section 2.

³Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴Section 7 renumbered as sub-section (1), by Punjab Act 42 of 1960, section 3.

⁵Substituted for the words "fine" which may extend to fifty rupees" and sub-section (2) added thereafter by *ibid*.

⁶For Rules, see *Punjab Government Gazette Extraordinary (Legislative Supplement)* dated the 4th September, 1963, page 753 (No. G.S.R. 206/PA8/47/S. 9/63, dated the 4th September, 1963).

- (b) regulating the organisation, appointment, conditions of service, duties, discipline, arms, accoutrements and clothing of members of the ¹[Punjab]²[Home Guards] and the manner in which they may be called out for service ;
- (c) conferring on members of the ¹[Punjab] ²[Home Guards] according to their office any powers, other than magisterial or judicial powers, exercisable by any person under any law for the time being in force ; and
- (d) generally for giving effect to the provisions of this Act.

Repeal of Ordinance No. 10 of 1947.

10. The East Punjab National Volunteer Corps Ordinance, 1947, is hereby repealed.

¹Substituted for the words " East Punjab " by the Adaptation of Laws Order, 1950. The words " East Punjab " has been substituted for the word " National " by the East Punjab Act 31 of 1949, section 4.

²Substituted for the words " Volunteer Corps " by Punjab Act 42 of 1960, section 2.